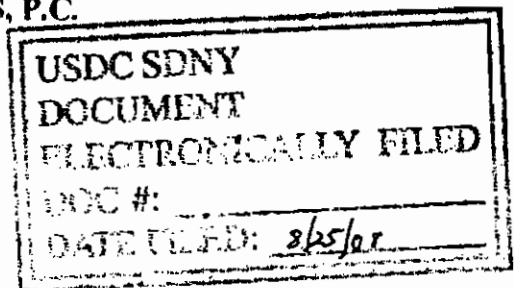


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August 25th, 2008

Hon. Denny Chin, U.S.D.J.
United States Courthouse
500 Pearl Street, Room 1020
New York, NY 10007

**Re: BioSafe-One, Inc. et al. v. Hawks et al.
Case No. 07-cv-06764- DC (DFE)**

Dear Judge Chin:

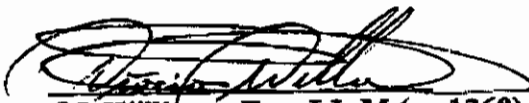
As the attorney for Plaintiffs in the above-entitled matter, I have reviewed the letter submitted to the court by Defendants dated 08-18-2008. In the letter Defendants make an application to the court for expenses and attorney's fees to attend the third party deposition of Novozymes and seek an adjournment of said depositions so that their application to the court may be decided.

Upon contacting the court I was informed that the court could NOT have addressed Defendants' application last week. At this point in time, even if the court were to rule in favor of Defendants' application the time would NOT be sufficient for plaintiff to proceed with the depositions under the terms Defendants seek to impose.

In light of these circumstances Plaintiffs hereby agree to adjourn the depositions but will proceed with the document production aspect of the subpoenas.

There are good reasons for the court NOT to exercise its discretion to approve attorney's fees and expenses in this instance. Plaintiffs therefore, have a good faith basis to challenge Defendants' application for travel expenses and attorney's fees and will therefore, submit opposition papers on or before 08-27-2008 and will reschedule the deposition in accordance with the court's ruling.

Respectfully submitted by:


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The Court has reviewed defense counsel's letter of 8/18/08 and this response from plaintiff's counsel dated 8/25/08.

As plaintiff's counsel agrees to adjourn the depositions, the request for an adjournment is moot. Counsel for both parties and the witnesses shall agree on a mutually convenient date within the parameters of the discovery cut-off. I agree that the nonparty witnesses should proceed with document production; copies must be made available to defendants. Defendant's request for the pre-payment of expenses is DENIED; at the conclusion of the

I will consider assessing such expenses as costs to the prevailing party. SO ORDERED. 8/25/08
VSD